

1 THOMAS E. MOSS  
UNITED STATES ATTORNEY  
2 GEORGE W. BREITSAMETER  
ASSISTANT UNITED STATES ATTORNEY  
3 DISTRICT OF IDAHO  
WELLS FARGO CENTER, SUITE 201  
4 877 WEST MAIN STREET  
BOISE, IDAHO 82702  
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CANTER, J.L. DOKE,  
CLERK, P.A. 99

12 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

13 UNITED STATES OF AMERICA, )

14 Plaintiff, )

15 vs. )

16 MITCHELL D. McBRIDE, )  
17 KIMBERLY McBRIDE, )  
18 IRENE McBRIDE, )  
DICK E. BUTCHER, )

19 Defendants. )  
20

INDICTMENT

(Vio. 18 U.S.C. § 1341)

CR 04-0064-S-EJL

21 THE GRAND JURY CHARGES:

22 A. Introduction

23 At all times material to this Indictment:

24 1. That on or about October 13, 1998, **DICK E. BUTCHER** owned and operated Riverside  
25 Cremation and Burial Society, Inc., located in Boise, Idaho, said entity licensed by the State of Idaho to  
26 perform mortuary services;

1           2.       That on or about June 1, 2000, **MITCHELL D. McBRIDE**, a/k/a Mitchell D. Gentry,  
2 and **KIMBERLY McBRIDE**, a/k/a Kimberly Campbell, purchased Riverside Cremation and Burial  
3 Society, Inc., from **DICK E. BUTCHER**.

4       B.       Scheme and Artifice to Defraud

5           3.       That from on or about October 1, 1998, continuing to on or about February 21, 2003, in  
6 the District of Idaho, the defendants, **MITCHELL D. McBRIDE**, **KIMBERLY McBRIDE**, **IRENE**  
7 **McBRIDE**, and **DICK E. BUTCHER** devised and intended to devise a scheme and artifice to defraud  
8 for obtaining money and property by means of false and fraudulent pretenses, representations and  
9 promises;

10          4.       It was part of the scheme that the defendants marketed and sold pre-need contracts which  
11 provided funeral services to clients;

12          5.       It was further part of the scheme that the defendants used the mails of the United States  
13 to market pre-need funeral services to potential clients;

14          6.       It was further part of the scheme that the purchasers of said entered into pre-need funeral  
15 service contracts wherein the defendants agreed to establish a trust fund to ensure that monies paid by  
16 the purchasers would remain in trust until such services were required;

17          7.       It was further part of the scheme that said pre-need contracts expressly provided that  
18 ninety percent (90%) of the contract amount will be held in trust in accordance with the laws of the State  
19 of Idaho;

20          8.       It was further part of the scheme that the purchasers of said pre-need contracts provided  
21 the defendants with monies which were generally transmitted through the U.S. mails;

22          9.       It was further part of the scheme that after execution of said pre-need contracts, the  
23 defendants provided an acknowledgment to the purchasers through the United States mails advising them  
24 as to the payment terms on said contracts;

25          10.       It was further part of the scheme that upon payment in full on said pre-need contracts, the  
26 purchasers were provided through the United States mails with a notice advising them as such;

1 11. It was further part of said scheme that the defendants misapplied to their own personal use  
2 funds that were paid by purchasers for pre-need contracts and represented by the defendants to be held  
3 in trust;

4 12. It was further part of the scheme that between on or about October 1998 and February  
5 2003, the defendants received approximately \$186,000.00 from approximately two hundred thirty-one  
6 (231) purchasers, which the defendants then and there misapplied to their own personal use.

7 C. Execution of the Scheme

8 13. On or about the date set forth below in the District of Idaho, the defendants, **MITCHELL**  
9 **E. McBRIDE, KIMBERLY McBRIDE, IRENE McBRIDE, and DICK E. BUTCHER**, for the  
10 purpose of executing and attempting to execute the scheme and artifice, did knowingly cause to be  
11 delivered by United States mail an article, as set forth below:

12

Count and Defendant(s)	Name of Client	Date of Contract	Total Amount Paid	Articles Mailed	Date of Mailing
1/Mitch McBride	J. Allmon	07/17/01	995.00	Monthly payments	08/01/01
2/Dick Butcher	J. and V. Baker	12/27/99	3,390.00	Letter	11/18/00
3/Mitch McBride	J. C. Burkhard	12/04/01	995.00	Letter	12/04/01
4/Mitch McBride	J. L. and W. Calderwood	6/27/01	390.00	Letter	09/04/01
5/Mitch McBride	V. and L. H. Campbell	06/01/01	1,930.00	Letter	06/25/01
6/Irene and Mitch McBride	M. and G. Christensen	05/30/01	1,790.00	Letter	06/05/01
7/Mitch McBride	D. and G. Conradi	06/13/01	1,930.00	Letter	06/16/01
8/Mitch McBride	J. and C. Cornwell	05/22/01	1,990.00	Letter	05/23/01
9/Mitch McBride	G. and N. Cudaback	04/19/01	900.00	Mailer	03/01/02

26

Count and Defendant(s)	Name of Client	Date of Contract	Total Amount Paid	Articles Mailed	Date of Mailing
10/Mitch McBride	D. and M. Deary	06/29/01	1,190.00	Letter	07/26/01
11/Mitch McBride	E. Eldredge	06/27/01	995.00	Letter	06/27/01
12/Irene and Mitch McBride	J. and K. Evers	05/11/01	1,990.00	Letter	02/14/02
13/Mitch and Kimberly McBride	V. E. Fenner	08/07/00	850.00	Letter	11/10/00
14/Mitch McBride	E. Gaines (deceased)	01/06/99	1,700.00	Letter	10/02/00
15/Mitch McBride	M. Gehrke	06/05/01	1,155.00	Letter	06/05/01
16/Mitch McBride	Y. and H. Gray	03/20/01	790.00	Payments	08/10/01
17/Irene and Mitch McBride	B. Gunderson	04/30/01	995.00	Letter	05/04/01
18/Mitch and Kimberly McBride	V. and H. Hall	12/11/02	1,190.00	Mailer	12/11/02
19/Mitch McBride	D. and O. L. Hanna	08/16/01	2,310.00	Letter	08/20/01
20/Mitch McBride	E. and H. Harding	07/02/01	1,930.00	Letter	08/02/01
21/Mitch McBride	B. Hayes	05/18/01	760.00	Letter	07/17/01
22/Mitch McBride	E. Heavin	10/17/01	995.00	Letter	09/05/02
23/Mitch and Irene McBride	M. Heffner	04/20/01	995.00	Letter	04/20/01
24/Irene and Mitch McBride	L. R. and L. M. Henslee	06/11/01	1,195.00	Payments	08/08/01
25/Mitch McBride	F. Hicks	09/02/02	595.00	Letter	09/02/02
26/Dick Butcher	G. and H. Hughes	03/29/99	1,720.00	Letter	03/29/99

Count and Defendant(s)	Name of Client	Date of Contract	Total Amount Paid	Articles Mailed	Date of Mailing
27/Mitch McBride	J. and Y. Huls	10/23/01	1,300.00	Letter	01/07/02
28/Mitch McBride	C. and R. Ives	03/27/01	1,890.00	Payment	09/06/01
29/Mitch McBride	P. Jeffers	08/07/01	1,195.00	Payments	03/07/02
30/Mitch McBride	H. and C. Jensen	04/30/01	1,990.00	Payments	09/04/01
31/Mitch and Irene McBride	T. B. Justeson	04/19/01	450.00	Letter with contract	04/19/01
32/Dick Butcher	G. A. and M. E. Kendall	04/26/98	1,700.00	Letter	12/02/99
33/Mitch McBride	L. Kerr	06/17/01	1,155.00	Letter	06/17/01
34/Mitch McBride	T. Lund	02/06/01	600.00	Payment History	05/06/02
35/Mitch McBride	C. and P. McCrary	11/05/01	1,930.00	Letter	11/05/01
36/Mitch McBride	P. McCrary	11/05/01	965.00	Letter	11/05/01
37/Mitch McBride	G. and D. Milar	02/27/01	1,310.00	Letter	02/27/02
38/Mitch McBride	L. H. Mitchell	08/14/01	1,195.00	Letter	08/14/01
39/Dick Butcher and Mitch McBride	T. T. Morinaka	11/16/99	450.00	Payments	10/06/00
40/Mitch McBride	A. J. and C. Mowry	07/10/01	2,310.00	Letter	07/10/01
41/Mitch McBride	A. and J. Norris	11/13/01	2,310.00	Letter	11/13/01
42/Mitch and Irene McBride	B. Ogden	07/25/01	1,195.00	Payment	09/30/01
43/Mitch McBride	K. Parks	09/11/01	995.00	Letter	09/17/01

Count and Defendant(s)	Name of Client	Date of Contract	Total Amount Paid	Articles Mailed	Date of Mailing
44/Mitch McBride	M. A. Phillips	06/06/01	1,195.00	Letter	06/11/01
45/Mitch McBride	M. Runge	08/15/01	995.00	Letter	12/30/02
46/Mitch McBride	P. Russell	05/18/01	995.00	Payment History	05/24/02
47/Dick Butcher and Irene McBride	E. Schoencker (deceased)	12/31/99	1,594.00	Letter	12/31/99
48/Dick Butcher	D. Schutte	10/09/99	850.00	Letter	04/21/00
49/Mitch McBride	R. and F. Sellars	06/14/01	995.00	Letter	06/25/01
50/Dick Butcher	G. Shaffer	04/06/99	1,075.00	Letter	04/21/00
51/Mitch McBride	R. M. Sheets	05/17/01	995.00	Letter	05/15/02
52/Mitch and Irene McBride	J. Shuter	05/30/01	4,240.00	Letter	05/30/01
53/Mitch McBride	L. and B. Stanley	04/23/01	770.00	Letter	05/04/01
54/Mitch McBride	C. and M. Sundquist	09/07/01	2,390.00	Letter	09/17/01
55/Mitch McBride	H. Symons	10/28/01	995.00	Letter	10/28/01
56/Mitch McBride	J. and J. Thomas	07/24/01	2,310.00	Letter	08/15/01
57/Mitch McBride	L. Vaughn	09/27/01	965.00	Letter	10/05/01
58/Mitch McBride	R. and E. Volquardsen	02/20/02	2,000.00	Letter	03/07/03
59/Mitch McBride	J. Watterson	09/20/00	965.00	Letter and Contract	08/21/00
60/Dick Butcher and Irene McBride	F. Weston	01/05/00	850.00	Letter	01/05/00

Count and Defendant(s)	Name of Client	Date of Contract	Total Amount Paid	Articles Mailed	Date of Mailing
61/Mitch McBride	V. Wise	08/24/01	965.00	Postcard	08/11/01

All in violation of Title 18, United States Code, Section 1341.

DATED this 10<sup>th</sup> day of March, 2004.

A TRUE BILL

Kristine J. Crawford  
Foreperson

THOMAS E. MOSS  
United States Attorney

  
George W. Breitsameter  
Assistant United States Attorney

# CRIMINAL COVERSHEET

DEFENDANT'S NAME: Mitchell D. McBride

Juvenile: No

DEFENSE ATTORNEY:  
ADDRESS:

Service Type:  
Non-Secret Summons

TELEPHONE NO.:

Interpreter: No  
If yes, language:

INVESTIGATING Verna R. Kessler  
AGENT & AGENCY: Federal Bureau of Investigation  
TELEPHONE NO.: (208) 344-7843

CR 04-0064-S-EJL

CASE INFORMATION: (List any miscellaneous, magistrate, CVB or other related defendants/case numbers).

## CRIMINAL CHARGING INFORMATION

☐ Complaint ☒ Indictment ☐ Information ☐ Superseding Indictment  
☒ Felony ☐ Class A Misdemeanor ☐ Class B or C Misdemeanor (Petty Offense)  
County of Offense: Canyon Estimated Trial Time: 5 days

TITLE/SECTION	COUNT	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1341	1, 3-25, 27-31, 33-46, 49, 51- 59, 61	Mail Fraud	Each count: Incarceration for not more than 20 years and/or \$250,000 fine; \$100 special assessment; 3 years supervised release

Date: March 10, 2004

AUSA: George W. Breitsameter  
Telephone No.: (208) 334-1211



# CRIMINAL COVERSHEET

DEFENDANT'S NAME: Kimberly McBride

Juvenile: No

DEFENSE ATTORNEY:

Service Type:

ADDRESS:

Non-Secret Summons

TELEPHONE NO.:

Interpreter: No

If yes, language:

INVESTIGATING Verna R. Kessler  
AGENT & AGENCY: Federal Bureau of Investigation  
TELEPHONE NO.: (208) 344-7843

CR 04-0064-S-EJL

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## CRIMINAL CHARGING INFORMATION

☐ Complaint ☒ Indictment ☐ Information ☐ Superseding Indictment  
☒ Felony ☐ Class A Misdemeanor ☐ Class B or C Misdemeanor (Petty Offense)  
County of Offense: Canyon Estimated Trial Time: 5 days

TITLE/SECTION	COUNT	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1341	13, 18	Mail Fraud	Each count: Incarceration for not more than 20 years and/or \$250,000 fine; \$100 special assessment; 3 years supervised release

Date: March 10, 2004

AUSA: George W. Breitsameter  
Telephone No.: (208) 334-1211

**CRIMINAL COVERSHEET**

DEFENDANT'S NAME: Irene McBride

Juvenile: No

DEFENSE ATTORNEY: Thomas Monaghan  
ADDRESS: 350 North 9th Street, Suite 301  
Boise, Idaho 83702  
TELEPHONE NO.: (208) 366-1600

Service Type:  
Non-Secret Summons

Interpreter: No  
If yes, language:

INVESTIGATING Verna R. Kessler  
AGENT & AGENCY: Federal Bureau of Investigation  
TELEPHONE NO.: (208) 344-7843

**CR 04-0064-S-EM****CASE INFORMATION:** (List any miscellaneous, magistrate, CVB or other related defendants/case numbers).**CRIMINAL CHARGING INFORMATION**

☐ Complaint ☒ Indictment ☐ Information ☐ Superseding Indictment  
☒ Felony ☐ Class A Misdemeanor ☐ Class B or C Misdemeanor (Petty Offense)  
County of Offense: Canyon Estimated Trial Time: 5 days

TITLE/SECTION	COUNT	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1341	6, 12, 17, 23- 24, 31, 42, 47, 52, 60	Mail Fraud	Each count: Incarceration for not more than 20 years and/or \$250,000 fine; \$100 special assessment; 3 years supervised release

Date: March 10, 2004

AUSA: George W. Breitsameter  
Telephone No.: (208) 334-1211

# CRIMINAL COVERSHEET

DEFENDANT'S NAME: Dick E. Butcher

Juvenile: No

DEFENSE ATTORNEY:

Service Type:

ADDRESS:

Non-Secret Summons

TELEPHONE NO.:

Interpreter: No

If yes, language:

INVESTIGATING Verna R. Kessler  
AGENT & AGENCY: Federal Bureau of Investigation  
TELEPHONE NO.: (208) 344-7843

CR 04-0064-S-EM

CASE INFORMATION: (List any miscellaneous, magistrate, CVB or other related defendants/case numbers).

## CRIMINAL CHARGING INFORMATION

☐ Complaint ☒ Indictment ☐ Information ☐ Superseding Indictment

☒ Felony ☐ Class A Misdemeanor ☐ Class B or C Misdemeanor (Petty Offense)

County of Offense: Canyon

Estimated Trial Time: 5 days

TITLE/SECTION	COUNT	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1341	2, 26, 32, 39, 47-48, 50, 60	Mail Fraud	Each count: Incarceration for not more than 20 years and/or \$250,000 fine; \$100 special assessment; 3 years supervised release

Date: March 10, 2004

AUSA: George W. Breitsameter

Telephone No.: (208) 334-1211